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PATENT

Attorney Docket No. 10391/003001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE-----  
IN RE APPLICATION OF:

EXAMINER: T. Ware

Francis Xavier Ignatious et al.

ART UNIT: 1615

APPLICATION NO.: 09/171,740

FILED: April 20, 1999

FOR: SUSTAINED RELEASE IONIC  
CONJUGATE

I hereby certify under 37 CFR 1.8(a) that this  
correspondence is being deposited Via Facsimile on  
the date indicated below and is addressed to the  
Assistant Commissioner of Patents, Washington, D.C.  
20231. 703/308-4556  
Date of Deposit August 10, 2001

Karen Loudon  
Karen Loudon11 Pages via Facsimile-----  
Box: CPAAssistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

TRANSMITTAL COVER SHEET

Transmitted herewith is a Continued Prosecution Application  
Request Transmittal (2 copies), with a Certificate of  
Transmission by Express Mail; and a Petition for Extension of  
Time (2 copies), and an Associate Power of Attorney.

Respectfully submitted,

Biomeasure Inc.

Date: 8/10/2001Alan F. Feeney  
Alan F. Feeney

Attorney for Applicant(s)

Reg. No. 43,609

27 Maple Street  
Milford, MA 01757-3650  
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Express Mail Label No. \_\_\_\_\_

14/Reg under 1.53(d)

<b>CONTINUED PROSECUTION APPLICATION (CPA)</b> <b>REQUEST TRANSMITTAL (Larg Entity)</b> Submit an original, and a duplicate for fee processing. <i>(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))</i>				Docket No. 10391/003001	
				<input type="checkbox"/> <b>DUPLICATE</b> <small>(Check box if applicable)</small>	
First Named Inventor		Examiner		Group/Art Unit	
Francis Xavier Ignatious et al.		T. Ware		1615	

Address to:  
 Assistant Commissioner for Patents  
 Box CPA  
 Washington, D.C. 20231

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/171,740 filed on April 20, 1999 and entitled:  
**SUSTAINED RELEASE IONIC CONJUGATE**

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.

2. ☐ A preliminary amendment is enclosed.

3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☐ An Information Disclosure Statement (IDS) is enclosed:

a. ☐ PTO-1449

b. ☐ Copies of IDS Citations

6. ☒ The fee for this application is calculated as follows:

CLAIMS AS FILED					
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	65	- 20 =	45	x \$18.00	\$810.00
Indep. Claims	4	- 3 =	1	x \$80.00	\$80.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>BASIC FEE</b>					\$710.00
<b>TOTAL FILING FEE</b>					\$1,600.00

 09/17/2001 CWILLIAM 00000002 500590  
 01 FC:131 710.00 CH  
 02 FC:102 80.00 CH  
 03 FC:103 810.00 CH

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
 Deposit Account No. 50-0590

- ☒ fees required under 37 C.F.R. 1.16.
- ☒ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☐ A check in the amount of \_\_\_\_\_ is enclosed.

9. ☒ Also enclosed:  
 Petition for Extension of Time (2 Copies)

10. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address  
 is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Larg Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. 154(a)(1). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**CLP NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to copies of, or information concerning, the prior application may be given similar access to copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: August 10, 2001

  
 Signature

Alan F. Feeney

Typed or printed name

43,609

Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

cc: